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In the Supreme Court of the United States

OCTOBER TERM, 1984

No. 84-1074

LOWELL M. STROOM,

Petitioner,

v.

JAMES E. CARTER, formerly President of the United States; WALTER F. MONDALE, formerly Vice-President of the United States; RONALD REAGAN, 1980 Presidential Candidate; GEORGE H. W. BUSH, 1980 Vice-Presidential Candidate; STROM THURMOND, President Pro Temp and principal officer of the U.S. Senate; THOMAS P. O'NEILL, Speaker of the U.S. House of Representatives; AMBASSADORS AND APPOINTED U.S. EXECUTIVE DEPARTMENT OFFICERS, unnamed; THE STATES OF ALABAMA, ALASKA, ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, CONNECTICUT, DELAWARE, and all other states F through W.

Respondents.

On Petition For Writ Of Certiorari
To The United States Court Of Appeals
For The Third Circuit

SUPPLEMENTARY BRIEF

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TABLE OF CONTENTS

Table of Contents i

Table of Cases and Authorities . . . i

Cases i

U. S. Constitution Provisions . ii

SUPPLEMENTARY BRIEF 1

I. The Joint Session of Congress,. 3
January 7, 1985

II. The 'Inaugural Events', . . 17
January 20, (21) 1985

Conclusion 20

Certificate of Service

TABLE OF CASES AND AUTHORITIES

CASES Page

Katzenbach v. Morgan, ... 8
384 U. S. 641 (1966)

Kramer v. District, ... 16-17
395 U. S. 621 (1969)

Reynolds v. Sims, ... 16
377 U. S. 533 (1966)

Yick Wo v. Hopkins, ... 8
118 U. S. 356 (1888)

U.S. CONSTITUTION PROVISIONS

Article II . . 2, 3, 7, 10, 17, 18

Article VI 7

Amendment XII . 2, 3, 7, 11, 13, 15

Amendment XIV . . 2, 3, 7, 8, 9, 10

Amendment XX . . 2, 3, 7, 15, 17

U.S. STATUTE LAW

Title 3, U.S.C. Sections 15-18 . . 3

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SUPPLEMENTARY BRIEF

The 'Petition for Writ of Certiorari' in this action was docketed on January 3, 1985. Pursuant to Rule 22.6 of the Rules of the Supreme Court, this supplemental brief

discusses intervening events which have occurred since January 3. The events are made mandatory by the U. S. Constitution in Article II and Amendments XII and XX. The events are, namely, a 'joint session of Congress' for the purpose of counting ballots of 'presidential electors', which occurred on January 7, and 'inaugural' events, which occurred on January 20 (21).

The evidence in this case shows that both events were insufficient and invalid as to Constitutional mandates and commands, and that the effect of these events is to deny and deprive U. S. citizens of the right and privilege of voting effectively and equitably in a Presidential and Vice Presidential Election, all so as to offend the laws of Amendments XII, XIV, and XX of the U. S. Constitution.

The evidence further shows that the same events contain elements of crimes against the Constitution, as those crimes

are defined in Title 18 of the U. S. Code. Petitioner demands that this condition be corrected, such that the rights of U. S. citizens are restored, and so prays this honorable Court to issue the writ of certiorari herein, and to adjudicate the laws of the Constitution which are decisive of the issues herein. The laws of Article II and Amendments XII, XIV, and XX have not been, but should be, settled in the Supreme Court.

I. THE 'JOINT SESSION OF CONGRESS' ON JANUARY 7, 1985

Article II, Section 2, and Amendment XII of the U. S. Constitution, and Title 3, U. S. Code, Sections 15 through 18, require that the Congress shall meet in Joint Session to count the ballots of 'presidential electors' on January 6 following a Presidential Election. When January 6 is a Sunday, as in 1985, the meeting is convened on January 7.

Such a meeting was convened at the U. S. Capitol on January 7, 1985. The same meeting was insufficient and invalid as to Constitutional commands:

(1) when less than fifty members of Congress attended the meeting;

(2) when the Elections are contested in Court, and when the meeting was convened by respondent Bush, who had an interest in the results of the meeting; and

(3) when the meeting failed to have participation by 'presidential electors' who were selected pursuant to the mandates and commands of the laws of the U. S. Constitution.

Fewer than fifty of the 538 members of the U. S. Congress were present at the meeting on January 7. No attempt was made to achieve larger attendance. It is likely and possible that members of the U. S. Congress remained away from the meeting in

opposition to the meeting, when the members of Congress knew that the meetings lacked participation of 'presidential electors' who are selected pursuant to the laws of the U. S. Constitution.

No action by Congress, on voting in the 1984 Presidential Election, could be authorized in a joint session which did not have a quorum of both the members of the House of Representatives, and the members of the Senate present in the session. A quorum of the members of the House of Representatives is necessary to give consideration to balloting for the office of President. A quorum of the members of the Senate is needed to give consideration to the balloting for Vice President.

Some of the members of Congress who were present at the joint-session indicated that they did not know what the Constitution requires or seeks to achieve in Presidential Elections. Effective protection for the

rights of the People in Presidential Elections requires that this determination must be made prior to, and in preparation for, the joint-session, and not at the joint-session. No meeting in joint-session is Constitutionally valid until such preparation has been completed. The People, U. S. citizens, are denied the right to a Constitutionally-mandated joint-session when the members of Congress are not prepared and knowledgeable on the subject matter.

Respondent Bush had an interest in the results of the session on January 7, and should have been disqualified from participation in the meeting, when the Election events are contested in the Court. Bush's participation in the events contain the elements of the crime of fraud as defined in Title 18 of the U. S. Code. It is a gross misrepresentation of the facts, to suggest, under color of law, that the

events provided on January 7, 1985, have any resemblance to those which are required by the U. S. Constitution. Both the members of Congress and the People, U. S. citizens, are deceived by this misrepresentation of Constitutional mandates. The intent of Bush's actions, their effect, as with all other actions by Bush in 1984 Presidential Election events, is to deny rights and privileges of U. S. citizens in Presidential Elections, as those rights and privileges are protected and secured by the Constitution in Articles II and VI, and Amendments XII, XIV, and XX.

The joint-session of Congress on January 7, 1985, was further invalid for failing to have participation by 'presidential electors' who are selected pursuant to the laws of the U. S. Constitution in Article II and Amendment XII. Article II and Amendment XII command that the election of a President and Vice President shall be

only by the People. The 'presidential electors' must represent the People, and none other.

The 'presidential electors', pursuant to Amendment XIV, must be appointed without denying or abridging any of the rights of U. S. citizens in Presidential Elections.[1] 'Presidential electors' participate in Presidential Election events only for the purpose of providing citizens in small states with a slightly greater ballot weight than their populations would normally allow. Thus there are as many 'presidential

1. The Supreme Court has entered several decisions which sustain the laws of the Fourteenth Amendment. In Katzenbach v. Morgan, 384 U. S. 641 (1966), the Supreme Court wrote in its decision: "...the States have no power to grant or withhold the franchise on conditions that are forbidden by the Fourteenth Amendment, or any other provision of the Constitution." (at 647). In Yick Wo v. Hopkins, 118 U. S. 356 (1888), which was decided a few years after Amendment XIV had been ratified, the Court said: "the political franchise of voting is a fundamental political right, because preservative of all rights." (at 370).

electors' as there are members in both houses of the U. S. Congress, rather than as there a members in one of the houses of Congress.[2]

The ballots which were presented at the joint-session of Congress on January 7, 1985, were cast unconstitutionally, invalidly, and fraudulently, by persons who were selected on a basis other than that which is made mandatory by the laws of the U. S. Constitution. Further, the persons whose ballots were presented on January 7, 1985, were selected in a way which denies and abridges the right and privilege of U. S. citizens to vote effectively and equitably in elections for the offices of President and Vice President, all so as to offend Amendment XIV. The

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2. The term 'presidential electors' which is used in this Brief is the same term which is used in the U. S. Constitution. The same 'presidential electors' are also known as members of the Electoral College, though that term is not used by the U. S. Constitution.

evidence in this case supports these statements, and shows the following:

(1) Unconstitutional state election statute law in the fifty states requires that presidential candidates, or their representatives in the state, shall select the 'presidential electors' of the state. Ninety-five percent of all U. S. citizens are denied any representation among 'presidential electors', when the same laws effectively prohibit them from nominating the presidential candidates they prefer. The 'presidential electors' represent presidential candidates and not the people of the state, so as to offend Article II and Amendment XIV.

(2) The 1984 Presidential Election events failed to provide the citizen participation, required by the Constitution, which is sufficient to produce relevant and genuine choices. In four of the last six presidential elections, since 1964,

and in 1984, one person received all, or nearly all, of the votes of 'presidential electors', and those votes were received only when ballots provided no genuine choices.

The Constitution does not leave presidential nominees and elections to chance. The Constitution in Amendment XII secures Presidential Elections with the kinds of numerous and relevant choices which adequately represent the preferences of the people. Amendment XII provides for Presidential Elections in which three candidates receive significant numbers of votes of 'presidential electors'. It is likely that a further two candidates would receive a lesser number of votes of 'presidential electors', and that perhaps another two candidates would receive no votes of 'presidential electors'. Such an Election secures for U. S. citizens a Presidential Election wherein there are seven genuine and relevant Presidential

nominees and choices. Evidence contained in the results of four or five of the last six presidential elections, and in 1984, show that the laws applied to the elections deprived U. S. citizens of their Constitutional right to Presidential Elections in which there are relevant and genuine choices among preferred choices.

(3) Ballots available in the 1984 Presidential Elections further show, in evidence, that among those who were disenfranchised of effective participation in the Election, were our nation's most skilled leadership including college presidents, leaders in commerce and industry, those with achievements in the professions, arts, and sciences, and others. The absence of participation from such persons is damaging to our nation.

(4) Evidence in the laws applied to the 1984 Presidential Elections, shows

that 'presidential electors' were selected unconstitutionally in a way which deprives U. S. citizens of their right to elect a Vice President. This right is secured in Amendment XII. When presidential candidates are permitted to select the 'presidential electors', those electors will only cast ballots for a vice presidential candidate who is designated by the presidential candidate. No consideration whatever is given in this case, to the preferences of the People. The people, in 1984, were denied their right even to make nominations of Vice Presidential candidates.

(5) Evidence contained in a canvass of all ballots cast in 1984, and all persons eligible to cast ballots in that Election, shows that U. S. citizens were disenfranchised to the extent that the large majority of eligible voters cast no ballot that was counted, and these persons

are unrepresented by the ballots cast in Congress on January 7, 1985.

If the ballots cast in Congress on January 7 represented the people, rather than a presidential candidate, 525 of the 538 ballots cast on January 7 would have said "no" to all of the candidates who were listed on the ballots. In 46 states with 525 'presidential elector' ballots, the largest group of eligible voters in the state were those who cast no ballot that was counted. In 12 states with 194 'presidential elector' ballots, those who cast no ballot that was counted exceeded the number of persons who cast ballots for all of the candidates who were listed on the ballot. Only a small minority, perhaps five percent, cast effective ballots for respondent Reagan. This evidence is discussed more fully in the 'Petition for Writ of Certiorari' herein.

The numbers of persons who cast ballots for the candidates who were listed on the ballots are insufficient to qualify any candidates or presidential electors. The effect of the elections was to provide for government by a small minority, rather than government by the people, which is a fundamental right which is secured by the Constitution.

(6) The number of 'presidential elector' ballots which are effected by the unconstitutional laws is sufficient to change the results of the Elections. The largest group of eligible voters in 46 states with 525 'presidential elector' ballots were those who cast no ballot that was counted.

(7) No persons were qualified by the Presidential Elections on November 6, 1984, pursuant to Amendment XX. Pursuant to Amendment XII, the houses of Congress have no candidates to whom they

may give consideration for the offices of President and Vice President. The Constitution provides for the condition in which no candidates are qualified by an Election. That provision is properly applied in this case.

For the reasons stated above, the joint-session of Congress on January 7, 1985, was insufficient, unconstitutional, and invalid. Petitioner demands adjudication of the laws invoked in this action, and in support cites the decision of the Supreme Court in Kramer v. District 395 U.S. 621 (1968). In Kramer, the Supreme Court quoted its decision in Reynolds v. Sims 377 U.S. 533 (1966), all as follows:

> 'Since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized.' (Reynolds...) The careful examination is necessary because statutes distributing the franchise constitute the foundation of our representative society. Any unjustified discrimination in determining

> who may participate in political affairs or in the selection of public officials, undermines the legitimacy of representative governments.

And, at 367:

> (In) decisions concerning which resident citizens may participate in the election of legislative and other public officials. Those decisions must be carefully scrutinized by the Court to determine whether each resident citizen has as far as possible, an equal voice in the election.

II. THE 'INAUGURAL EVENTS' ON JANUARY 20 (21), 1985

Amendment XX and Article II, Section 7, require a Presidential oath-taking on January 20 following a Presidential Election. When January 20 is a Sunday, as in 1985, public inaugural events are provided on January 21.

Such an event occurred on January 21, 1985, at the U. S. Capitol in Washington, D. C. The same meeting was insufficient and invalid as to Constitutional mandates:

(1) When the event failed to have

participation by a President-elect and a Vice President-elect who are qualified pursuant to the laws of the U. S. Constitution.

(2) when the laws of the U. S. Constitution prohibit any person who is not qualified pursuant to the laws of the U. S. Constitution from occupying the offices of the Executive Department of the United States. Article II, Section 7, and Amendment XX provide for the case in which no candidates for the offices of President and Vice President have been qualified by an Election, and when a legal disability exists in those same offices.

(3) when evidence in the instant proceedings shows and establishes that respondents Reagan and Bush have conspired to a crime against the Constitution, as that crime is defined by Title 18 of the U. S. Code, and for which relief is also available in civil proceedings.

(4) when respondent Reagan, in public comments following the oath-taking on January 21, 1985, effectively annulled the condition of the Constitutionally mandated oath of office when he advocated a form of government which undermines the laws of the U. S. Constitution, and when he fraudulently misrepresented the mandates of the U. S. Constitution so as to deny and abridge the right of U. S. citizens to vote effectively in Presidential Elections.

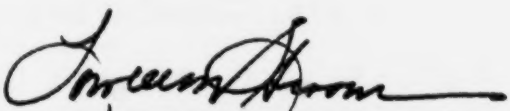
(5) when only five to ten percent of all eligible U. S. citizens cast effective ballots for Reagan: when citizen participation was grievously restricted; when ballots were deficient of relevant and genuine choices; and when 'presidential electors' were chosen in a way which deprives the right of U. S. citizens to vote effectively in U. S. Presidential Elections.

(6) When this small minority present fiscal policy which is grievously injurious

to our nation and to the large majority of U. S. citizens. And when this small minority deprives the majority of effective participation in international dialogues, namely, the participation which contains the acquired skills which are essential for such dialogues, and the participation which can present programs which are in the long and short term interests of our nation and others, and which benefit the overwhelming majority of all U. S. citizens.

Now, therefore, petitioner prays the Court to issue the writ of certiorari in this action, and to proceed immediately with the adjudication of laws of the U. S. Constitution which are invoked herein.

Respectfully,



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February 7, 1985

CERTIFICATE OF SERVICE

Lowell M. Stroom, petitioner above named, certifies that all persons required to be served in these proceedings are served pursuant to rule 28.4 of the Rules of the U. S. Supreme Court, on the date of filing in the U. S. Supreme Court.

All persons receive three copies of the "Supplementary Brief". Service is made precisely as it is described in the "Certificate of Service" which is attached to the "Petition for Writ of Certiorari".

As stated in the "Petition for Certiorari" service is made to: the Solicitor General at the Department of Justice in Washington, D. C., Senator Strom Thurmond, Speaker O'Neill, James E. Carter, Walter F. Mondale, Ronald Reagan, George H. W. Bush, Ambassadors and U. S. Executive Department Officers, and the Attorney Generals of the states of Alabama, Alaska,

Arizona, Arkansas, California, Colorado,

Connecticut, and Delaware.

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